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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/627,380	07/25/2003	Farrell R. Edmondson	I-36635	3907
43935	7590	12/23/2005	EXAMINER	
FRASER MARTIN & MILLER LLC 132 WEST SECOND STREET PERRYSBURG, OH 43551			BETTS JR, ROGER D	
			ART UNIT	PAPER NUMBER

1723

DATE MAILED: 12/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/627,380	Applicant(s) EDMONDSON, FARRELL R.	
	Examiner Roger D. Betts Jr.	Art Unit 1723	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10/13/05.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

1. Claims 1-6, 11-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eddleman et al. (U.S. Patent No. 4,301,010) in view of Jusaitis et al. (U.S. Patent No. 4,859,348). Eddleman (010) discloses an element comprising a first body having an inlet and outlet (Fig. 3, 31), a second body having an inlet and outlet (Fig. 3, 11) and a filter separator pad (Fig. 3, 28), in which second body interconnected with said first body portion (encompassing Fig. 3)(claim 1,11). Eddleman (010) also discloses a cylindrical first body portion having an open top and closed bottom (Fig. 3, 31)(claim 2, 12) wherein the second body portion is received within the cylindrical wall of first body portion (Fig. 3, 11) (claim 3,13) wherein the fluid conduit of second body portion is aligned with first body portion (encompassing Fig. 3) (claim 4,14) wherein said first and second body portion are interconnected in a fluid-tight relationship (Col. 2, 23-25)(claim 5,15) and a first body inlet portion that extends for the closed bottom (Fig. 2, 19)(claim 6,16). However, Eddleman (010) fails to disclose a coalescing function for the element as mentioned in claims 1-6.

Jusaitis (348) teaches a coalescing filter element (Fig. 1, #10)(Col. 2, 42-43; Col. 3, 56-59). It would have been obvious to one of ordinary skill in the art at the time of the invention to

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manufacture the Eddleman (010) filter element with Jusaitis (348) coalescing filter element, wherein the arrangement provides support for filter mediums and separates liquids including a coalescing filter, a housing, and a liquid collection arrangement. The Jusaitis (348) invention is responsible for separating oils or hydrocarbons that may pass through the filter element (Col. 2, 42-43)

2. Claim 7-10, 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eddleman (U.S. Patent No. 4,301,010) and Jusaitis (U.S. Patent No. 4,859,348), applied to claim 1 and 11 above, and further in view of Young (U.S. Patent No. 4,362,630). Eddleman (010) as modified by Jusaitis (348) discloses a coalescing filter comprising a first body having an inlet and outlet (Fig. 3, 31), a second body having an inlet and outlet (Fig. 3, 11) and a filter separator pad (Fig. 3, 28), in which second body interconnected with said first body portion (encompassing Fig. 3)(claim 1,11). Eddleman (010), as modified by Jusaitis (348), fails to disclose a coalescing fiberglass separator portion. (claim 7,17). Young (630) teaches a coalescing element that includes a fiberglass separator portion that is utilized in the filtration process (Col. 7, 21-26)(claim 7,17). It would have been obvious to one of ordinary skill in the art at the time of the invention to manufacture Eddleman (010), as modified by Jusaitis (348), invention in view of the teachings of Young (630), wherein a fiberglass separator pad is an acceptable media of filtration for a hydrocarbon separation process. Young also discloses a disc-shaped coalescing element (Fig. 5, 84,86, and 88)(claim 8,18), formed of a plurality of superposed disc-shaped elements (Fig. 5, 92) (claim 9,19), wherein one of said superposed disc-shaped elements is reinforced by a scrim material (Fig. 5, 80)(claim 10,20).

Response to Arguments

3. In response to applicant's arguments with respect to claims 1-11 that the examiner does not recite features of the invention that are neither disclosed nor suggested by the applied references. Eddleman (010), as modified by Jusaitis (348) discloses feature of a coalescing filter as cited in paragraph 1 of this office action. Structurally, the language “ for separating water from hydrocarbon fuels or liquid/liquid separation”, is deemed to be intended use, that fails to further limit the claim. Additional rejections are also disclosed and are based upon the rejections made in Paragraph 1, claims 1-11 and continue throughout the remaining portions of the office action, wherein claims 11-20 are also rejected, wherein the above mentioned art is adapted to receive a syringe (claim 11) and continue throughout the remaining portions of the office action.


4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Roger D. Betts Jr. whose telephone number is (571) 272-8153. The examiner can normally be reached on Monday-Friday from 7:30 a.m. to 4:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda Walker, can be reached on (571) 272-1151. The fax phone number for the organization where this application or proceeding is assigned is (571) 272-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

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applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


W. L. WALKER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700